

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)

Plaintiff,)

v.)

BROOKS COUNTY, TEXAS,)

Defendant.)
_____)

CIVIL ACTION NO.

COMPLAINT AND
JURY TRIAL DEMAND

NATURE OF THE ACTION

This is an action under the Age Discrimination in Employment Act to correct unlawful employment practices on the basis of retaliation, and to provide appropriate relief to Ana Lisa Gonzalez. The U.S. Equal Employment Opportunity Commission (the “EEOC” or “Commission”) alleges that Defendant, Brooks County, Texas (“Brooks County”) retaliated against Ms. Gonzalez when it refused to grant pay raises and failed to hire her in a new, open position within Brooks County Library, because she previously filed an age-based charge of discrimination and/or a lawsuit against Brooks County and she filed a second age-based charge of retaliation.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section 7(b) of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § 626(b) (the “ADEA”), which incorporates by reference Sections 16(c) and 17 of the Fair Labor Standards Act of 1938 (the “FLSA”), as amended, 29 U.S.C. § 216(c) and 217.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Southern District of Texas, Corpus Christi Division.

PARTIES

3. Plaintiff EEOC is the agency of the United States of America charged with the administration, interpretation and enforcement of the ADEA and is expressly authorized to bring this action by Section 7(b) of the ADEA, 29 U.S.C. § 626(b), as amended by Section 2 of Reorganization Plan No. 1 of 1978, 92 Stat. 3781, and by Public Law 98-532 (1984), 98 Stat. 2705.

4. At all relevant times, Defendant Brooks County has continuously been a government municipality doing business in the State of Texas in the City of Falfurrias, and has continuously had at least 20 employees.

5. At all relevant times, Defendant Brooks County has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 11(b), (g) and (h) of the ADEA, 29 U.S.C. § 630(b) (g) and (h).

CONCILIATION

6. Prior to institution of this lawsuit, the Commission's representatives attempted to eliminate the unlawful employment practices alleged below and to effect voluntary compliance with the ADEA through informal methods of conciliation, conference and persuasion within the meaning of Section 7(b) of the ADEA, 29 U.S.C. § 626(b).

STATEMENT OF CLAIMS

7. Since at least November of 2007, the Defendant Brooks County has engaged in unlawful employment practices at the City of Falfurrias in violation of § 623(d) of the ADEA, 29 U.S.C. § 623(d) by discriminating against Ana Lisa Gonzalez by refusing to: (1) grant salary

increases to only her; and/or (2) hire her for a new, open position in Brooks County Library in retaliation for her previously filing an age-based charge of discrimination and/or lawsuit against Brooks County and she filed a second age-based charge of retaliation.

8. More specifically, since at least November 2007, Brooks County engaged in unlawful employment practices by:

(a) Permitting and/or authorizing higher salaries for new hires and/or increasing the salary of individuals, who were/are similarly situated to Ms. Gonzalez; and

(b) Failing to hire Ms. Gonzalez for a vacant position in the County Library for which she was qualified.

9. The effect of the practices complained of in paragraphs seven and eight above has been to deprive Ana Lisa Gonzalez of equal employment opportunities and to otherwise adversely affect her status as an employee because of retaliation.

10. The unlawful employment practices complained of in paragraphs seven and eight above were and are willful within the meaning of Section 7(b) of the ADEA, 29 U.S.C. § 626(b).

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Brooks County, its officers, agents, servants, employees, attorneys, and all persons in active concert or participation with them, from retaliating against individuals because they opposed a practice made unlawful by the ADEA, or because they have filed a charge, testified, assisted or participated in any manner in an investigation proceeding or hearing under the ADEA;

B. Order Defendant Brooks County to institute and carry out policies, practices and programs which provide equal employment opportunities for individuals 40 years of age and older, and which eradicate the effects of its past and present unlawful employment practices:

C. Grant a judgment requiring Defendant Brooks County to pay appropriate back wages in an amount to be determined at trial, and an equal sum as liquidated damages, to Ana Lisa Gonzalez, who was adversely affected by the unlawful practices described above. If the trier of fact should find the unlawful employment practice complained of was not willful within the meaning of the ADEA, then the Commission respectfully requests that this Court grant an award of prejudgment interest on the back pay award to Ana Lisa Gonzalez;

D. Order Defendant Brooks County to make whole Ana Lisa Gonzalez by providing the affirmative relief necessary to eradicate the effects of its unlawful practices, including but not limited to rightful-place reinstatement into a position for which she is qualified with a reasonable salary or front pay in lieu thereof;

E. Grant such further relief as the Court deems necessary and proper in the public interest; and

F. Award the Commission its costs of this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its complaint.

Respectfully submitted,

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